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April 4, 2014

VIA ECF

Hon. Judge Louis L. Stanton
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *American Tibetan Health Institute, Inc. v. Ng, et al.*,
(Case No. 13-cv-2763); *C&L Int'l Trading Inc., et al. v.*
American Tibetan Health Institute, Inc., et al., (Case No.
13-cv-2638)

IPLG Ref.: 3452/3468

Dear Judge Stanton:

On Monday, March 31, 2014 our office sent the Deposition Notice of C&L International Trading Inc. Under FRCP 30(b)(6) for April 7, 2014 and Deposition Subpoena of Sammy Wing Wah Chow for April 8, 2014 to the Giuttari & Mertz Law Office P.C. [See Exhibit A].

Since no response was received, the notice and subpoena were also faxed to C&L's attorneys on Wednesday April 2, 2014. [See Exhibit B]. On April 3, 2014, our office sent an additional email requesting confirmation of the depositions. Our office left numerous messages with Giuttari & Mertz Law Office over the next three days without receiving any return call.

On April 4, 2014, we received an unsigned email from Giuttari & Mertz Law Office stating that they were not available for the deposition on April 8, 2014 and were not authorized to accept service on behalf of Sammy Wing Wah Chow. However, no mention was made of Notice for the 30(b)(6) Deposition of C&L's person most knowledgeable for April 7, 2014. [See Exhibit C].

Our office attempted to contact Mr. Shotkin, Ms. Jung, or Ms. Lai at Giuttari & Mertz Law Office in regards to the April 7, 2014 noticed deposition. The person who answered stated that none of those people were in the office today and that "some attorney will call you back."

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Mr. Warren Graham then called our office and notified us that again that Giuttari & Mertz Law Office is not authorized to accept service on behalf of Sammy Wing Wah Chow, but confirmed that Giuttari & Mertz Law Office does *in fact* represent C&L International Trading. When pressed regarding the Deposition Notice of C&L International Trading Under FRCP 30(b)(6), Mr. Graham stated that no one would appear for deposition on April 7th, invited us to take the issue up with the Court, and then hung up on the call.

These recent events underscore the continuing pattern of discovery violations, dilatory tactics by Defendants' counsels, and wanton disregard of this Court's authority. The last minute cancellation today may result in charges to borne by Defendants, which we are attempting to mitigate by asking the deposition services providers to waive their charges for the late-cancelled services.

It is critical that the deposition of the person most knowledgeable of C&L International Trading Inc. be taken immediately, as the discovery period is rapidly closing. During depositions the week of March 17th and trial the week March 24th, ATHI first learned that Ms. Kam Ng is not, nor ever has been, authorized to represent C&L International Trading Inc. [*see* Exhibit D for Ng's deposition testimony and *see* Exhibit E for Ng's trial testimony], despite her interrogatory responses indicating she is a Director of C&L [*see* Exhibit F, pg. 3].

We request an Order from the Court that the Defendants make available a FRCP 30(b)(6) Witness for the deposition of C&L International Trading Inc. the week of April 14 - April 18, 2014, and impose any appropriate sanctions for such continuing violations.

Sincerely,
INTELLECTUAL PROPERTY LAW GROUP LLP



Otto O. Lee
Attorneys for
American Tibetan Health Institute, Inc.

cc via ECF:
I. Frederick Shotkin, Esq.
Warren R. Graham, Esq.

Encls.:
Exhibits A - F